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VICTORY 2020, LLC dba MISS ME

7
8 **UNITED STATES DISTRICT COURT**

9 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

10 VICTORY 2020, LLC dba MISS ME, a
California limited liability company,

11 Plaintiff,

12 v.

13 GRACING INC. dba GRACE IN LA, a
California corporation; and DOES 1-10,
14 inclusive,

15 Defendants.

CASE NO.

COMPLAINT FOR:

**(1)-(7) Copyright Infringement in
Violation of 17 U.S.C. § 501
(Claims For Relief 1-7);**

[DEMAND FOR JURY TRIAL]

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1 Plaintiff Victory 2020, LLC d/b/a Miss Me (“Plaintiff” or “Victory 2020”)
2 alleges in this Complaint against Defendant Gracing Inc. dba Grace in LA
3 (“Defendant” or “Grace in LA”) and DOES 1-10, as follows:

4 **NATURE OF THE ACTION**

5 1. This lawsuit seeks to recover damages from Defendant for blatantly
6 and unlawfully misappropriating Plaintiff’s valuable copyrights and to enjoin any
7 further misappropriation and infringement.

8 2. Grace in LA has copied the same style, look, and feel of Plaintiff’s
9 celebrated MISS ME brand jeans to sell its own lower quality, knock-off jeans.
10 Grace in LA’s inferior imitation of Plaintiff’s MISS ME brand jeans was deliberate
11 and intended to piggyback off of the enormous popularity, goodwill and success of
12 Plaintiff’s highly recognizable and valuable designs.

13 3. Grace in LA has willfully, deliberately and systematically targeted
14 Plaintiff, and has infringed on a number of Plaintiff’s most distinctive and popular
15 designs—used on and in connection with its highly successful lines of jeanswear
16 products, which are operated, marketed, and sold under the MISS ME brand. After
17 Plaintiff spent substantial resources in promoting and selling jeanswear products
18 containing such designs, and after consumers had come to recognize such designs
19 and associate them exclusively with Plaintiff’s MISS ME brand, Grace in LA
20 introduced jeanswear products using virtually identical designs. This conduct was
21 in bad faith, was undertaken without Plaintiff’s consent and was done by Defendant
22 deliberately so that it could pawn off Plaintiff’s goodwill.

23 4. Plaintiff seeks injunctive relief and damages against Defendant for
24 copyright infringement in violation of the laws of the United States and the State of
25 California.

26 5. On December 19, 2024, Plaintiff filed a Second Amended Complaint in
27 a related action against Grace in LA for copyright infringement (“GLA 1”). *See*
28 *Sweet People Apparel, Inc. dba MISS ME and Victory 202, LLC dba MISS ME v.*

1 (Case No. 2:24-cv-02305-FMO-AJR). This action and GLA 1 are related cases
2 because there is significant overlap in the parties, they arise from the same or a
3 closely related transaction, happening, or event, and call for determination of the
4 same or substantially related or similar questions of law and fact.

5 **SUBJECT MATTER JURISDICTION AND VENUE**

6 6. This action arises under the Copyright Act of 1976, as amended, 17
7 U.S.C. § 101 *et seq.*, for copyright infringement under federal law.

8 7. This Court has jurisdiction over the subject matter of this action under
9 28 U.S.C. §§ 1338(a), 1338(b).

10 **PERSONAL JURISDICTION AND VENUE**

11 8. This Court has personal jurisdiction over Defendant because it is
12 incorporated in California, conducts business in California, and because it has
13 committed acts of copyright infringement in California.

14 9. Venue is proper in this district under 28 U.S.C. §§ 1391(b), (c), and (d)
15 and 1400(a) because Defendant has offices located in this district, conducts a
16 substantial amount of business in this district and a substantial amount of the events
17 or omissions giving rise to Plaintiff's claims occurred in this district.

18 **THE PARTIES**

19 10. Plaintiff Victory 2020 is a limited liability company also doing
20 business as Miss Me. Plaintiff is duly organized and existing under the laws of the
21 State of California, and maintains its principal place of business at 4715 S. Alameda
22 Street, Los Angeles, California 90058. Plaintiff conducts a substantial amount of
23 business in California, including under the trademark MISS ME brand.

24 11. Plaintiff is the author and owner of all the copyrights alleged herein and
25 as detailed further below.

26 12. Upon information and belief, Defendant Grace in LA is a corporation
27 duly organized and existing under the laws of the State of California, and maintains
28 its principal place of business within this judicial district at 5314 3rd Street,

1 Irwindale, CA 91706.

2 13. Plaintiff is ignorant of the true names, capacities, relationships and
3 extent of participation in the conduct herein alleged of the Defendants sued herein as
4 DOES 1 through 10, inclusive, but on information and belief alleges that said
5 Defendants are legally responsible to them. Plaintiff will amend this Complaint to
6 allege the true names and capacities of the Doe Defendants when ascertained.

7 **FACTUAL ALLEGATIONS**

8 **A. Plaintiff's Business**

9 14. Plaintiff manufactures, promotes, sells, and distributes high-quality
10 jeanswear and denim products throughout the United States, including in this
11 judicial district, under the MISS ME brand name. Plaintiff's line of MISS ME
12 brand jeanswear products are sold at retail by such well-known fashion retailers and
13 department stores as Macy's, Boot Barn, Dillard's, Cavender's, Sheplers, and The
14 Buckle, both in-store and online. Plaintiff also sells its MISS ME brand jeans
15 through its website: <https://www.missme.com>.

16 15. Since its establishment in 2001, Plaintiff's MISS ME brand jeans have
17 gained a significant following and maintain a strong presence, particularly in
18 "western" clothing retailers. Due to its popularity, Plaintiff's MISS ME jeanswear
19 has received extensive media coverage and has appeared in numerous widely
20 circulated fashion magazines, including *In Style*, *Elle*, *Glamour*, *Lucky*, *944*
21 *Magazine*, *Harper's Bazaar*, *Lucky*, *Teen Vogue* and *Nylon*. In addition, celebrities
22 such as Miley Cyrus, Paris Hilton, Cameron Diaz and Beyonce have been
23 photographed wearing MISS ME jeanswear in public.

24 16. Among the many elements that identify MISS ME brand jeanswear
25 products and distinguish them from the products of Plaintiff's competitors are the
26 unique and distinctive "western" designs that are embroidered onto and/or otherwise
27 affixed to the back-pockets of its jeanswear products. Consumers specifically
28 identify the embellished back-pocket with "western" design themes as a distinctive

1 feature of the MISS ME brand and use it to distinguish Plaintiff's jeans from its
2 competitors. Such designs are used by Plaintiff on its MISS ME brand of jeanswear
3 products, and have come to exclusively identify Plaintiff as the source of such
4 products.

5 **B. Plaintiff's Protected Designs**

6 17. Among Plaintiff's most important assets are the intellectual property
7 rights it owns in the unique and distinctive designs used on and in connection with
8 the MISS ME line of jeanswear products. Plaintiff holds copyright registrations for
9 its unique expressions of embellished "western" style back-pocket designs. The
10 copyrights protect the unique and innovative designs the company uses on and in
11 connection with the MISS ME brand of jeanswear products. Such designs include
12 Plaintiff's Stars and Stripes Horseshoe Design, Winged Horseshoe Design,
13 Horseshoe and Horse Design, Feathered Longhorn Design, Western Feather Design,
14 Embellished Wing Design, and Western Cactus Design. These designs are defined
15 and discussed below.

16 **Stars and Stripes Horseshoe Design Copyright**

17 18. Plaintiff Victory 2020 owns U.S. Copyright Registration No. VA-2-
18 425-552, effective as of December 12, 2024, for its Stars and Stripes Horseshoe
19 Design (the "Stars and Stripes Horseshoe Design Copyright"). A copy of the
20 registration certificate for the Stars and Stripes Horseshoe Design Copyright along
21 with an image of the Stars and Stripes Horseshoe Design as used on MISS ME's
22 line of jeanswear products is attached hereto as **Exhibit 1**.

23 19. The Stars and Stripes Horseshoe Design was created in 2022 and has
24 been in continuous use on MISS ME's jeanswear products since at least as early as
25 August 8, 2022. Victory 2020 owns all rights, title and interest to the Stars and
26 Stripes Horseshoe Design Copyright, which constitutes original and copyrightable
27 subject matter under the U.S. Copyright Act.

28 20. Victory 2020 has duly complied with all relevant requirements of the

1 U.S. Copyright Act with respect to the Stars and Stripes Horseshoe Design
2 Copyright.

3 **Winged Horseshoe Design Copyright**

4 21. Plaintiff Victory 2020 owns U.S. Copyright Registration No. VA-2-
5 425-549, effective as of December 12, 2024, for its Winged Horseshoe Design (the
6 “Winged Horseshoe Design Copyright”). A copy of the registration certificate for
7 the Winged Horseshoe Design Copyright along with an image of the Winged
8 Horseshoe as used on MISS ME’s line of jeanswear products is attached hereto as
9 **Exhibit 2**.

10 22. The Winged Horseshoe Design was created in 2019 and has been in
11 continuous use on MISS ME’s jeanswear products since at least as early as January
12 10, 2020. Victory 2020 owns all rights, title and interest to the Winged Horseshoe
13 Design Copyright, which constitutes original and copyrightable subject matter under
14 the U.S. Copyright Act.

15 23. Victory 2020 has duly complied with all relevant requirements of the
16 U.S. Copyright Act with respect to the Winged Horseshoe Design Copyright.

17 **Horseshoe and Horse Design Copyright**

18 24. Plaintiff Victory 2020 owns U.S. Copyright Registration No. VA-2-
19 384-804, effective as of February 29, 2024, for its Horseshoe and Horse Design (the
20 “Horseshoe and Horse Design Copyright”). A copy of the registration certificate for
21 the Horseshoe and Horse Design Copyright along with an image of the Horseshoe
22 and Horse Design as used on MISS ME’s line of jeanswear products is attached
23 hereto as **Exhibit 3**.

24 25. The Horseshoe and Horse Design was created in 2021 and has been in
25 continuous use on MISS ME’s jeanswear products since at least as early as January
26 13, 2022. Victory 2020 owns all rights, title, and interest to the Horseshoe and
27 Horse Design Copyright, which constitutes original and copyrightable subject matter
28

1 under the U.S. Copyright Act.

2 26. Victory 2020 has duly complied with all relevant requirements of the
3 U.S. Copyright Act with respect to the Horseshoe and Horse Design Copyright.

4 **Feathered Longhorn Design Copyright**

5 27. Plaintiff Victory 2020 owns U.S. Copyright Registration No. VA-2-
6 425-551, effective as of December 12, 2024, for its Feathered Longhorn Design (the
7 “Feathered Longhorn Design Copyright”). A copy of the registration certificate for
8 the Feathered Longhorn Design Copyright along with an image of the Feathered
9 Longhorn Design as used on MISS ME’s line of jeanswear products is attached
10 hereto as **Exhibit 4**.

11 28. The Feathered Embroidery Design was created in 2021 and has been in
12 continuous use on MISS ME’s jeanswear products since at least as early as May 1,
13 2022. Victory 2020 owns all rights, title and interest to the Feathered Longhorn
14 Design Copyright, which constitutes original and copyrightable subject matter under
15 the U.S. Copyright Act.

16 29. Victory 2020 has duly complied with all relevant requirements of the
17 U.S. Copyright Act with respect to the Feathered Longhorn Design Copyright.

18 **Western Feather Design Copyright**

19 30. Plaintiff Victory 2020 owns U.S. Copyright Registration No. VA-2-
20 425-548, effective as of December 12, 2024, for its Western Feather Design (the
21 “Western Feather Design Copyright”). A copy of the registration certificate for the
22 Western Feather Design Copyright along with an image of the Western Feather
23 Design as used on MISS ME’s line of jeanswear products is attached hereto as
24 **Exhibit 5**.

25 31. The Western Feather Design was created in 2022 and has been in
26 continuous use on MISS ME’s jeanswear products since at least as early as January
27 14, 2023. Victory 2020 owns all rights, title and interest to the Western Feather
28 Design Copyright, which constitutes original and copyrightable subject matter under

1 the U.S. Copyright Act.

2 32. Victory 2020 has duly complied with all relevant requirements of the
3 U.S. Copyright Act with respect to the Western Feather Design Copyright.

4 **Embellished Wing Design Copyright**

5 33. Plaintiff Victory 2020 owns U.S. Copyright Registration No. VA-2-
6 425-550, effective as of December 12, 2024, for its Embellished Wing Design (the
7 “Embellished Wing Design Copyright”). A copy of the registration certificate for
8 the Embellished Wing Design Copyright along with an image of the Embellished
9 Wing Design as used on MISS ME’s line of jeanswear products is attached hereto as
10 **Exhibit 6**.

11 34. The Embellished Wing Design was created in 2019 and has been in
12 continuous use on MISS ME’s jeanswear products since at least as early as February
13 1, 2020. Victory 2020 owns all rights, title and interest to the Embellished Wing
14 Design Copyright, which constitutes original and copyrightable subject matter under
15 the U.S. Copyright Act.

16 35. Victory 2020 has duly complied with all relevant requirements of the
17 U.S. Copyright Act with respect to the Embellished Wing Design Copyright.

18 **Western Cactus Design Copyright**

19 36. Plaintiff Victory 2020 owns U.S. Copyright Registration No. VA-2-
20 400-084, effective as of April 3, 2024, for its Western Cactus Design (the “Western
21 Cactus Design Copyright”). A copy of the registration certificate for the Western
22 Cactus Design Copyright along with an image of the Western Cactus Design as used
23 on MISS ME’s line of jeanswear products is attached hereto as **Exhibit 7**.

24 37. The Western Cactus Design was created in 2019 and has been in
25 continuous use on MISS ME’s jeanswear products since at least as early as January
26 10, 2020. Victory 2020 owns all rights, title and interest to the Western Cactus
27 Design Copyright, which constitutes original and copyrightable subject matter under
28

1 the U.S. Copyright Act.

2 38. Victory 2020 has duly complied with all relevant requirements of the
3 U.S. Copyright Act with respect to the Western Cactus Design Copyright.

4 39. The foregoing copyrighted designs shall hereinafter be referred to
5 collectively as the “MISS ME Protected Designs.”

6 **C. Defendant’s Infringing Conduct**

7 40. Grace in LA is engaged in the business of designing, manufacturing,
8 importing, exporting, distributing, supplying, advertising, promoting, offering for
9 sale and selling apparel products, including jeanswear products, under the Grace in
10 LA brand name.

11 41. Grace in LA is creating, designing, manufacturing, importing,
12 exporting, distributing, supplying, advertising, promoting, offering for sale and/or
13 selling, and/or are causing to be designed, manufactured, imported, distributed,
14 advertised, promoted, offered for sale and/or sold—without authorization or license
15 from Plaintiff—jeanswear products bearing designs that are studied imitations of the
16 MISS ME Protected Designs (the “Infringing Designs”).

17 42. A comparison of the Infringing Designs used by Grace in LA on its
18 jeanswear products, which are a studied imitation of the MISS ME Protected
19 Designs, is set forth here:

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MISS ME Protected Designs	Grace in LA's Infringing Designs
 <p>Stars and Stripes Horseshoe Design Reg. No. VA-2-425-552</p>	
 <p>Winged Horseshoe Design Reg. No. VA 2-425-549</p>	

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MISS ME Protected Designs	Grace in LA's Infringing Designs
 <p>Horseshoe and Horse Design Reg. No. 2-384-804</p>	
 <p>Feathered Longhorn Design Reg. No. VA 2-425-551</p>	

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MISS ME Protected Designs	Grace in LA's Infringing Designs
 Western Feather Design Reg No. VA 2-425-548	
 Embellished Wing Design Reg. No. VA 2-425-550	
 Western Cactus Design Reg. No. VA 2-400-084	

1
2 43. The Grace in LA Infringing Design featured in the second column, first
3 row of the table in Paragraph 42 is substantially similar to the Plaintiff's Stars and
4 Stripes Horseshoe Design. The similarities include, but are not limited to, the
5 following: an ornately embellished back-pocket; a horseshoe design element set in a
6 "western" style theme; fashioned with thick and colorful stitching; an American-
7 style red, white and blue color scheme; an American-style stars and stripes pattern;
8 thick stitching around the back-pocket boarder; proportionality in the size of the
9 horseshoe vis-à-vis the back-pocket; the orientation of the featured horseshoe; shiny
10 studs on each of the top corners of the back-pocket.

11 44. The Grace in LA Infringing Design featured in the second column,
12 second row of the table in Paragraph 42 is substantially similar to the Plaintiff's
13 Winged Horseshoe Design. The similarities include, but are not limited to, the
14 following: an ornately embellished back-pocket; horseshoe design element set in a
15 "western" style theme; fashioned with thick and colorful stitching; a unique blue,
16 orange, and white color scheme; a unique feathered outlay on the perimeter of the
17 horseshoe; elongated feathers on the two top ends of the horseshoe creating a flight-
18 like impression; the orientation of the featured horseshoe; proportionality in the size
19 of the horseshoe vis-à-vis the back-pocket; shiny studs on each of the top corners of
20 the back-pocket.

21 45. The Grace in LA Infringing Design featured in the second column,
22 third row of the table in Paragraph 42 is substantially similar to the Plaintiff's
23 Horseshoe and Horse Design. The similarities include, but are not limited to, the
24 following: an ornately embellished back-pocket; horseshoe design element set in a
25 "western" style themes; fashioned with thick and colorful stitching; a cross-section
26 of a horse on the lower-right, inside edge of the horseshoe; proportionality in the
27 size of the horse vis-à-vis the horseshoe to create a protruding look; proportionality
28 in the size of the horse and horseshoe vis-à-vis the back-pocket; the orientation of

1 the featured horseshoe and horse; shiny studs on each of the top corners of the back-
2 pocket.

3 46. The Grace in LA Infringing Design featured in the second column,
4 fourth row of the table in Paragraph 42 is substantially similar to the Plaintiff's
5 Feathered Longhorn Design. The similarities include, but are not limited to, the
6 following: an ornately embellished back-pocket; a longhorn cattle skull set in a
7 "western" style theme; multiple feathers hung from the sides of the skull;
8 symmetrical design print impressed on the head and down the snout of the skull;
9 proportionality in the size of the longhorn skull vis-à-vis the back-pocket; the
10 orientation of the featured longhorn skull; fashioned with thick and colorful
11 stitching; thick stitching around the back-pocket boarder; shiny studs on each of the
12 top corners of the back-pocket.

13 47. The Grace in LA Infringing Design featured in the second column, fifth
14 row of the table in Paragraph 42 is substantially similar to the Plaintiff's Western
15 Feather Design. The similarities include, but are not limited to, the following: an
16 ornately embellished back-pocket; Native American iconography stitched to a jeans
17 back-pocket; a butterfly geometric shape representing eternal life; multiple feathers
18 hung from the lower end of the butterfly geometric shape; triangular borders on the
19 upper edge and sides of the butterfly geometric shape; fashioned with thick, black
20 and white stitching; proportionality in the size of the butterfly geometric shape vis-
21 à-vis the back-pocket.

22 48. The Grace in LA Infringing Design featured in the second column,
23 sixth row of the table in Paragraph 42 is substantially similar to the Plaintiff's
24 Embellished Wing Design. The similarities include, but are not limited to, the
25 following: an ornately embellished back-pocket; back-pocket flap with a distinctly
26 pointed design; ornamented boarder running along the outer and lower edges of the
27 flap; rounded wing set intersected by the point of the flap; studded and ornamented
28 wing ridge; proportionality in the size of the flap vis-à-vis the back-pocket;

1 proportionality in the size of the wingspan vis-à-vis the back-pocket; the orientation
2 of the wingspan; shiny studs on each of the top corners of the back-pocket.

3 49. The Grace in LA Infringing Design featured in the second column,
4 seventh row of the table in Paragraph 42 is substantially similar to the Plaintiff's
5 Western Cactus Design. The similarities include, but are not limited to, the
6 following: an ornately embellished back-pocket; a Saguaro cactus,
7 anthropomorphized by a tilted cowboy hat on its main trunk; the right of center
8 position of the Saguaro cactus; a red cowboy hat band tied around the cowboy hat; a
9 dessert landscape; a colorful horizon; the orientation of the Saguaro cactus; the
10 proportionality in the size of the cactus vis-à-vis the back-pocket; shiny studs on
11 each of the top corners of the back-pocket.

12 50. Grace in LA continues to promote, offer for sale and sell—without
13 authorization or license from Plaintiff—products bearing Plaintiff's Infringing
14 Designs through its own website (<https://graceinlajeans.com/>) and through national
15 retailers.

16 51. Grace in LA promotes, offers for sale, and sells—without authorization
17 or license from Plaintiff—products bearing Plaintiff Victory 2020's Stars and
18 Stripes Horseshoe Design Copyright through national retailer Rider Styles' online
19 store, available at: [https://riderstyles.com/products/grace-in-la-horseshoe-easy-fit-](https://riderstyles.com/products/grace-in-la-horseshoe-easy-fit-shorts)
20 shorts (last visited January 15, 2025).

21 52. Grace in LA promotes, offers for sale, and sells—without authorization
22 or license from Plaintiff—products bearing Plaintiff Sweet People's Winged
23 Horseshoe Design Copyright through national retailer Poshmark's online store,
24 available at: [https://poshmark.com/listing/Grace-in-LA-Womens-Aztec-Western-](https://poshmark.com/listing/Grace-in-LA-Womens-Aztec-Western-Embroidered-Stonewashed-Bootcut-Stretch-Jeans-656ff45769ef1a20f0f69b16)
25 [Embroidered-Stonewashed-Bootcut-Stretch-Jeans-656ff45769ef1a20f0f69b16](https://poshmark.com/listing/Grace-in-LA-Womens-Aztec-Western-Embroidered-Stonewashed-Bootcut-Stretch-Jeans-656ff45769ef1a20f0f69b16) (last
26 visited January 15, 2025).

27 53. Grace in LA promotes, offers for sale, and sells—without authorization
28 or license from Plaintiff—products bearing Plaintiff Victory 2020's Horseshoe and

1 Horse Design Copyright through national retailer Walmart, Inc.’s online store,
2 available at: [https://www.walmart.com/ip/Grace-in-LA-Women-s-Western-Horse-](https://www.walmart.com/ip/Grace-in-LA-Women-s-Western-Horse-Embroidered-Stretch-Bootcut-Jeans-30-Blue/2963105697)
3 [Embroidered-Stretch-Bootcut-Jeans-30-Blue/2963105697](https://www.walmart.com/ip/Grace-in-LA-Women-s-Western-Horse-Embroidered-Stretch-Bootcut-Jeans-30-Blue/2963105697) (last visited January 15,
4 2025).

5 54. Grace in LA promotes, offers for sale, and sells—without authorization
6 or license from Plaintiff—products bearing Plaintiff Victory 2020’s Feathered
7 Longhorn Design Copyright through national retailer Cavender’s online store,
8 available at [https://www.cavenders.com/grace-in-l.a.-womens-dark-wash-floral-](https://www.cavenders.com/grace-in-l.a.-womens-dark-wash-floral-skull-and-feathers-embroidery-easy-fit-jeans/EBS735.html)
9 [skull-and-feathers-embroidery-easy-fit-jeans/EBS735.html](https://www.cavenders.com/grace-in-l.a.-womens-dark-wash-floral-skull-and-feathers-embroidery-easy-fit-jeans/EBS735.html) (last visited January 15,
10 2025).

11 55. Grace in LA promotes, offers for sale, and sells—without authorization
12 or license from Plaintiff—products bearing Plaintiff Victory 2020’s Western Feather
13 Design Copyright through national retailer Boot Barn’s online store, available at
14 [https://www.bootbarn.com/grace-in-la-womens-medium-wash-geo-print-feather-](https://www.bootbarn.com/grace-in-la-womens-medium-wash-geo-print-feather-embroidered-mid-rise-bootcut-stretch-denim-jeans/2000412987.html?dwvar_2000412987_color=414)
15 [embroidered-mid-rise-bootcut-stretch-denim-](https://www.bootbarn.com/grace-in-la-womens-medium-wash-geo-print-feather-embroidered-mid-rise-bootcut-stretch-denim-jeans/2000412987.html?dwvar_2000412987_color=414)
16 [jeans/2000412987.html?dwvar_2000412987_color=414](https://www.bootbarn.com/grace-in-la-womens-medium-wash-geo-print-feather-embroidered-mid-rise-bootcut-stretch-denim-jeans/2000412987.html?dwvar_2000412987_color=414) (last visited January 15,
17 2025).

18 56. Grace in LA promotes, offers for sale, and sells—without authorization
19 or license from Plaintiff —products bearing Plaintiff Victory 2020’s Embellished
20 Wing Design Copyright through national retailer Walmart, Inc.’s online store,
21 available at [https://www.walmart.com/ip/Grace-in-LA-Women-s-Angel-Wings-](https://www.walmart.com/ip/Grace-in-LA-Women-s-Angel-Wings-Embellished-Flap-Pockets-Bootcut-Stretch-Jeans-29/449321906)
22 [Embellished-Flap-Pockets-Bootcut-Stretch-Jeans-29/449321906](https://www.walmart.com/ip/Grace-in-LA-Women-s-Angel-Wings-Embellished-Flap-Pockets-Bootcut-Stretch-Jeans-29/449321906) (last visited
23 January 15, 2025).

24 57. Grace in LA promotes, offers for sale, and sells—without authorization
25 or license from Plaintiff—products bearing Plaintiff Victory 2020’s Western Cactus
26 Design Copyright through national retailer Hayloft Western Wear’s online store,
27 available at <https://hayloftwestern.com/products/grace-in-la-bootcut-desert-dream->
28

1 style-eb61591 (last visited January 15, 2025).

2 58. Grace in LA promotes, offers for sale, and sells—without authorization
3 or license from Plaintiff—products bearing the MISS ME Protected Designs through
4 Grace in LA’s own online store, available at: <https://graceinlajeans.com/products>
5 (last visited January 15, 2025).

6 59. Rather than going to the effort and expense of developing and creating
7 its own unique, source-identifying designs, Grace in LA has deliberately and
8 knowingly replicated the MISS ME Protected Designs. As a result, Grace in LA’s
9 jeanswear products bearing the Infringing Designs are likely to cause consumers,
10 either at the point-of-sale or post-sale, to believe that products bearing the Infringing
11 Designs are authorized, sponsored, approved, endorsed or licensed by Plaintiff, or
12 are in some other way affiliated, associated, or connected with the MISS ME brand.

13 60. Defendant was aware of the fact that the MISS ME Protected Designs
14 were Plaintiff’s well-known designs at the time it began using the Infringing
15 Designs on its jeanswear products. Accordingly, Grace in LA has been engaging in
16 the above-described unlawful activities knowingly and intentionally, and/or with
17 reckless disregard for Plaintiff’s rights in the MISS ME Protected Designs.

18 61. Grace in LA is designing, manufacturing, importing, distributing,
19 advertising, promoting, offering for sale and/or selling, and/or is causing to be
20 designed, manufactured, imported, distributed, advertised, promoted, offered for
21 sale and/or sold, without authorization or license, products bearing the Infringing
22 Designs at prices below the retail prices at which Plaintiff’s products bearing such
23 designs are sold.

24 62. Defendant intends to continue to design, manufacture, import,
25 distribute, advertise, promote, offer for sale and/or sell products bearing the
26 Infringing Designs, unless otherwise restrained by this Court.

27 63. Unless Defendant’s conduct is enjoined, such conduct will severely
28 inhibit and/or destroy the ability of the MISS ME Protected Designs to identify

1 Plaintiff as the exclusive source of goods to which they are affixed.

2 **FIRST CLAIM FOR RELIEF**

3 ***(Plaintiff Victory 2020 against Defendant and DOES 1-10)***

4 **(Copyright Infringement (17 U.S.C. § 501))**

5 64. Plaintiff repeats and re-alleges each and every foregoing and
6 subsequent allegation contained in the Complaint, and further alleges as follows:

7 65. Victory 2020 is the owner of a U.S. copyright registration for the Stars
8 and Stripes Horseshoe Design Copyright, which registration is in full force and
9 effect. A copy of the registration certificate is attached hereto as **Exhibit 1**.

10 66. Defendant, without authorization from Plaintiff Victory 2020, and after
11 Plaintiff Victory 2020 created and first used the Stars and Stripes Horseshoe Design
12 Copyright on MISS ME jeanswear products, has distributed, advertised, promoted,
13 sold and offered for sale jeanswear products incorporating designs that were copied
14 from and are substantially similar in overall appearance to the Stars and Stripes
15 Horseshoe Design Copyright.

16 67. Defendant thereby has willfully infringed and, upon information and
17 belief, is continuing to willfully infringe on the Stars and Stripes Horseshoe Design
18 Copyright. Plaintiff is therefore entitled to actual damages and to disgorge
19 Defendant's profits pursuant to 17 U.S.C. § 504(a)-(b), and to recover, at the Court's
20 discretion, statutory damages for Defendant's willful conduct pursuant to 17 U.S.C.
21 § 504(c)(2).

22 68. Upon information and belief, by its acts, Defendant has made and will
23 make substantial profits and gains to which it is not in law or in equity entitled.

24 69. Upon information and belief, Defendant intends to continue its willful
25 conduct, and will continue to willfully infringe on the Stars and Stripes Horseshoe
26 Design Copyright, and to act in bad faith, unless restrained by this Court.

27 70. Defendant's acts have damaged and will continue to irreparably
28 damage Plaintiff Victory 2020, and Plaintiff Victory 2020 has no adequate remedy

1 at law.

2 **SECOND CLAIM FOR RELIEF**

3 ***(Plaintiff Victory 2020 against Defendant and DOES 1-10)***

4 **(Copyright Infringement (17 U.S.C. § 501))**

5 71. Plaintiff repeats and re-alleges each and every foregoing and
6 subsequent allegation contained in the Complaint, and further alleges as follows:

7 72. Victory 2020 is the owner of a U.S. copyright registration for the
8 Winged Horseshoe Design Copyright, which registration is in full force and effect.
9 A copy of the registration certificate is attached hereto as **Exhibit 2**.

10 73. Defendant, without authorization from Plaintiff Victory 2020, and after
11 Plaintiff Victory 2020 created and first used the Winged Horseshoe Design
12 Copyright on MISS ME jeanswear products, has distributed, advertised, promoted,
13 sold and offered for sale jeanswear products incorporating designs that were copied
14 from and are substantially similar in overall appearance to the Winged Horseshoe
15 Design Copyright.

16 74. Defendant thereby has willfully infringed and, upon information and
17 belief, is continuing to willfully infringe on the Winged Horseshoe Design
18 Copyright. Plaintiff is therefore entitled to actual damages and to disgorge
19 Defendant's profits pursuant to 17 U.S.C. § 504(a)-(b), and to recover, at the Court's
20 discretion, statutory damages for Defendant's willful conduct pursuant to 17 U.S.C.
21 § 504(c)(2).

22 75. Upon information and belief, by its acts, Defendant has made and will
23 make substantial profits and gains to which it is not in law or in equity entitled.

24 76. Upon information and belief, Defendant intends to continue its willful
25 conduct, and will continue to willfully infringe on the Winged Horseshoe Design
26 Copyright, and to act in bad faith, unless restrained by this Court.

27 77. Defendant's acts have damaged and will continue to irreparably
28 damage Plaintiff Victory 2020, and Plaintiff Victory 2020 has no adequate remedy

1 at law.

2 **THIRD CLAIM FOR RELIEF**

3 ***(Plaintiff Victory 2020 against Defendant and DOES 1-10)***

4 **(Copyright Infringement (17 U.S.C. § 501))**

5 78. Plaintiff repeats and re-alleges each and every foregoing and
6 subsequent allegation contained in the Complaint, and further alleges as follows:

7 79. Victory 2020 is the owner of a U.S. copyright registration for the
8 Horseshoe and Horse Design Copyright, which registration is in full force and
9 effect. A copy of the registration certificate is attached hereto as **Exhibit 3**.

10 80. Defendant, without authorization from Plaintiff Victory 2020, and after
11 Plaintiff Victory 2020 created and first used the Horseshoe and Horse Design
12 Copyright on MISS ME jeanswear products, has distributed, advertised, promoted,
13 sold and offered for sale jeanswear products incorporating designs that were copied
14 from and are substantially similar in overall appearance to the Horseshoe and Horse
15 Design Copyright.

16 81. Defendant thereby has willfully infringed and, upon information and
17 belief, is continuing to willfully infringe on the Horseshoe and Horse Design
18 Copyright. Plaintiff is therefore entitled to actual damages and to disgorge
19 Defendant's profits pursuant to 17 U.S.C. § 504(a)-(b), and to recover, at the Court's
20 discretion, statutory damages for Defendant's willful conduct pursuant to 17 U.S.C.
21 § 504(c)(2).

22 82. Upon information and belief, by its acts, Defendant has made and will
23 make substantial profits and gains to which it is not in law or in equity entitled.

24 83. Upon information and belief, Defendant intends to continue its willful
25 conduct, and will continue to willfully infringe on the Horseshoe and Horse Design
26 Copyright, and to act in bad faith, unless restrained by this Court.

27 84. Defendant's acts have damaged and will continue to irreparably
28 damage Plaintiff Victory 2020, and Plaintiff Victory 2020 has no adequate remedy

1 at law.

2 **FOURTH CLAIM FOR RELIEF**

3 ***(Plaintiff Victory 2020 against Defendant and DOES 1-10)***

4 **(Copyright Infringement (17 U.S.C. § 501))**

5 85. Plaintiff repeats and re-alleges each and every foregoing and
6 subsequent allegation contained in the Complaint, and further alleges as follows:

7 86. Victory 2020 is the owner of a U.S. copyright registration for the
8 Feathered Longhorn Design Copyright, which registration is in full force and effect.
9 A copy of the registration certificate is attached hereto as **Exhibit 4**.

10 87. Defendant, without authorization from Plaintiff Victory 2020, and after
11 Plaintiff Victory 2020 created and first used the Feathered Longhorn Design
12 Copyright on MISS ME jeanswear products, has distributed, advertised, promoted,
13 sold and offered for sale jeanswear products incorporating designs that were copied
14 from and are substantially similar in overall appearance to the Feathered Longhorn
15 Design Copyright.

16 88. Defendant thereby has willfully infringed and, upon information and
17 belief, is continuing to willfully infringe on the Feathered Longhorn Design
18 Copyright. Plaintiff is therefore entitled to actual damages and to disgorge
19 Defendant's profits pursuant to 17 U.S.C. § 504(a)-(b), and to recover, at the Court's
20 discretion, statutory damages for Defendant's willful conduct pursuant to 17 U.S.C.
21 § 504(c)(2).

22 89. Upon information and belief, by its acts, Defendant has made and will
23 make substantial profits and gains to which it is not in law or in equity entitled.

24 90. Upon information and belief, Defendant intends to continue its willful
25 conduct, and will continue to willfully infringe on the Feathered Longhorn Design
26 Copyright, and to act in bad faith, unless restrained by this Court.

27 91. Defendant's acts have damaged and will continue to irreparably
28 damage Plaintiff Victory 2020, and Plaintiff Victory 2020 has no adequate remedy

1 at law.

2 **FIFTH CLAIM FOR RELIEF**

3 ***(Plaintiff Victory 2020 against Defendant and DOES 1-10)***

4 **(Copyright Infringement (17 U.S.C. § 501))**

5 92. Plaintiff repeats and re-alleges each and every foregoing and
6 subsequent allegation contained in the Complaint, and further alleges as follows:

7 93. Victory 2020 is the owner of a U.S. copyright registration for the
8 Western Feather Design Copyright, which registration is in full force and effect. A
9 copy of the registration certificate is attached hereto as **Exhibit 5**.

10 94. Defendant, without authorization from Plaintiff Victory 2020, and after
11 Plaintiff Victory 2020 created and first used the Western Feather Design Copyright
12 on MISS ME jeanswear products, has distributed, advertised, promoted, sold and
13 offered for sale jeanswear products incorporating designs that were copied from and
14 are substantially similar in overall appearance to the Western Feather Design
15 Copyright.

16 95. Defendant thereby has willfully infringed and, upon information and
17 belief, is continuing to willfully infringe on the Western Feather Design Copyright.
18 Plaintiff is therefore entitled to actual damages and to disgorge Defendant's profits
19 pursuant to 17 U.S.C. § 504(a)-(b), and to recover, at the Court's discretion,
20 statutory damages for Defendant's willful conduct pursuant to 17 U.S.C. §
21 504(c)(2).

22 96. Upon information and belief, by its acts, Defendant has made and will
23 make substantial profits and gains to which it is not in law or in equity entitled.

24 97. Upon information and belief, Defendant intends to continue its willful
25 conduct, and will continue to willfully infringe on the Western Feather Design
26 Copyright, and to act in bad faith, unless restrained by this Court.

27 98. Defendant's acts have damaged and will continue to irreparably
28 damage Plaintiff Victory 2020, and Plaintiff Victory 2020 has no adequate remedy

1 at law.

2 **SIXTH CLAIM FOR RELIEF**

3 ***(Plaintiff Victory 2020 against Defendant and DOES 1-10)***

4 **(Copyright Infringement (17 U.S.C. § 501))**

5 99. Plaintiff repeats and re-alleges each and every foregoing and
6 subsequent allegation contained in the Complaint, and further alleges as follows:

7 100. Victory 2020 is the owner of a U.S. copyright registration for the
8 Embellished Wing Design Copyright, which registration is in full force and effect.
9 A copy of the registration certificate is attached hereto as **Exhibit 6**.

10 101. Defendant, without authorization from Plaintiff Victory 2020, and after
11 Plaintiff Victory 2020 created and first used the Embellished Wing Design
12 Copyright on MISS ME jeanswear products, has distributed, advertised, promoted,
13 sold and offered for sale jeanswear products incorporating designs that were copied
14 from and are substantially similar in overall appearance to the Embellished Wing
15 Design Copyright.

16 102. Defendant thereby has willfully infringed and, upon information and
17 belief, is continuing to willfully infringe on the Embellished Wing Design
18 Copyright. Plaintiff is therefore entitled to actual damages and to disgorge
19 Defendant's profits pursuant to 17 U.S.C. § 504(a)-(b), and to recover, at the Court's
20 discretion, statutory damages for Defendant's willful conduct pursuant to 17 U.S.C.
21 § 504(c)(2).

22 103. Upon information and belief, by its acts, Defendant has made and will
23 make substantial profits and gains to which it is not in law or in equity entitled.

24 104. Upon information and belief, Defendant intends to continue its willful
25 conduct, and will continue to willfully infringe on the Embellished Wing Design
26 Copyright, and to act in bad faith, unless restrained by this Court.

27 105. Defendant's acts have damaged and will continue to irreparably
28 damage Plaintiff Victory 2020, and Plaintiff Victory 2020 has no adequate remedy

1 at law.

2 **SEVENTH CLAIM FOR RELIEF**

3 ***(Plaintiff Victory 2020 against Defendant and DOES 1-10)***

4 **(Copyright Infringement (17 U.S.C. § 501))**

5 106. Plaintiff repeats and re-alleges each and every foregoing and
6 subsequent allegation contained in the Complaint, and further alleges as follows:

7 107. Victory 2020 is the owner of a U.S. copyright registration for the
8 Western Cactus Design Copyright, which registration is in full force and effect. A
9 copy of the registration certificate is attached hereto as **Exhibit 7**.

10 108. Defendant, without authorization from Plaintiff Victory 2020, and after
11 Plaintiff Victory 2020 created and first used the Western Cactus Design Copyright
12 on MISS ME jeanswear products, has distributed, advertised, promoted, sold and
13 offered for sale jeanswear products incorporating designs that were copied from and
14 are substantially similar in overall appearance to the Western Cactus Design
15 Copyright.

16 109. Defendant thereby has willfully infringed and, upon information and
17 belief, is continuing to willfully infringe on the Western Cactus Design Copyright.
18 Plaintiff is therefore entitled to actual damages and to disgorge Defendant's profits
19 pursuant to 17 U.S.C. § 504(a)-(b), and to recover, at the Court's discretion,
20 statutory damages for Defendant's willful conduct pursuant to 17 U.S.C. §
21 504(c)(2).

22 110. Upon information and belief, by its acts, Defendant has made and will
23 make substantial profits and gains to which it is not in law or in equity entitled.

24 111. Upon information and belief, Defendant intends to continue its willful
25 conduct, and will continue to willfully infringe on the Western Cactus Design
26 Copyright, and to act in bad faith, unless restrained by this Court.

27 112. Defendant's acts have damaged and will continue to irreparably
28 damage Plaintiff Victory 2020, and Plaintiff Victory 2020 has no adequate remedy

at law.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays for the following relief:

- (a) Enter judgment in Plaintiff's favor, finding that the MISS ME Protected Designs have been infringed by Defendant in violation of 17 U.S.C. § 501;
- (b) Pursuant to 17 U.S.C. § 502(a), Defendant, its agents, servants and employees and all parties in privity with them are enjoined permanently from directly or indirectly using the MISS ME Protected Designs, or any other works derived in any way therefrom, in any manner which infringes upon Plaintiff's copyrights;
- (c) Defendant file with the Court and serve on Plaintiff a report setting forth the manner and form in which compliance with said permanent injunction against infringement has been made;
- (d) Pursuant to 17 U.S.C. § 504(b), Defendant is required to pay to Plaintiff such actual damages as Plaintiff may have sustained in consequence of Defendant's infringement and all profits of Defendant that are attributable to the infringement of Plaintiff's copyrights in an amount to be proven at trial but not less than \$5,000,000.
- (e) Defendant provide Plaintiff an accounting for all gains, profits and advantages attributable to or derived by Defendant from its infringement;
- (f) Defendant's infringements are found to have been willful;
- (g) Pursuant to 17 U.S.C. § 504(c), Defendant is required to pay an award of increased statutory damages in a sum of not less than \$150,000 per infringement for willful infringement, should this

1 statutory remedy be elected;

- 2 (h) Pursuant to 17 U.S.C. § 505, Defendant is required to pay
3 Plaintiff's full costs in this action and reasonable attorney's fees;
4 (i) Defendant is equitably disgorged of wrongfully obtained profits
5 attributable to MISS ME Protected Designs;
6 (j) For pre-judgment interest according to statute;
7 (k) For injunctive relief that requires Defendant to stop selling the
8 infringing combination of MISS Protected Designs, and any
9 other products that infringe Plaintiff's copyrights; and
10 (l) For any further relief that the Court deems just and proper.

11
12 DATED: January 15, 2025

MILLER BARONDESS, LLP

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15 By: /s/ A. Sasha Frid

16 A. SASHA FRID

Attorneys for Plaintiff

VICTORY 2020, LLC dba MISS ME
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